IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5089 of 1993

For Approval and Signature:

Hon'ble MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

MAITHAJI PUNJAJI MAKWANA

Versus

MAMLATDAR & A.L.T.

Appearance:

MR KB PUJARA for Petitioner

MR IM PANDYA ASSTT GOVT PLEADER for Respondent Nos. 1 to 4.

MR SK BUKHARI for Respondent No. 5

CORAM : MR.JUSTICE H.K.RATHOD

Date of decision: 05/09/2000

ORAL JUDGEMENT

1. Heard Mr.K.B.Pujara, learned advocate appearing on behalf of the petitioner, Mr.I.M.Pandya, learned AGP

on behalf of the respondent Nos. 1 to 4 and Mr.S.K.Bukhari, learned advocate appearing for respondent No.5.

2. In the present petition, RULE has been issued and Ad interim relief has been confirmed by this Court on 15th July, 1994. When the matter is taken up for final hearing today, learned advocates appearing for the respective parties have produced on record the copy of settlement dated 5th September, 2000 arrived at between the petitioner and respondent Nos.5/1 to 5/6. The said settlement has been signed by all concerned parties to the present proceedings and also by the learned advocate Mr.K. B. Pujara on behalf of the petitioner and the learned advocate Mr.M.M.Shaikh appeared for Mr.S.K.Bukhari. The respective parties who have signed the settlement are also remained present before this Court and the said settlement has been admitted by the respective parties before this Court who have signed the settlement in question.

3. In the present petition, the petitioner has challenged the order and judgment passed by the Gujarat Revenue Tribunal in Tenancy /BA/937/87 - Annexure-D to the petition dated 17th march, 1993. According to the consent terms which arrived at between the parties outside the Court,they agreed and given consent that impugned order of Gujarat Revenue Tribunal passed in revision application No. Tenancy / BA/ 937 / 87 dated 17th Marcy, 1993 be quashed and set aside and the order passed by the lower authorities, namely order passed by the Deputy Collector, LND 8 Scheme, Sabarkantha, Himmatnagar in appeal bearing No. Ganot/Kalam-74/Vivad No. 27/87 dated 18-7-1987 as per Annexure-C to the petition and order passed by the Mamlatdar and ALT, Himmatnagar under Section 32-O and 32-G bearing No. 735 / 86 dated 16thFebruary , 1987 - Annexure-A to the petition be revived and restored.

4. Considering the terms of the settlement which arrived at between the parties and on the basis of the agreement and consent between the parties as mentioned in the said settlement, the order passed by the Gujarat Revenue Tribunal in Revision Application No. Tenancy /BA/ 937 / 1987 dated 17th March, 1993 - Annexure-D to the petition is hereby quashed and set aside. It is also directed that order passed by the lower authorities namely order passed by Deputy Collector, LND 8 Scheme, Sabarkantha in Appeal No. 27/87 dated 18th July, 1987 and order passed by the Mamlatdar and ALT, Himmatnagar in appeal No. 735 / 86 dated 16th February, 1987 Annexure-A

to the petition are revived and restored and it is also further directed that the parties to the settlement referred to above will abide by the order passed by the lower authorities.

5. In view of this observation and direction and considering the consent terms between the parties, the present petition is disposed of in terms of settlement dated 5th September, 2000 and it is also directed to the respective parties of the settlement will abide by all terms and conditions mentioned in the said settlement dated 5th September, 2000. The present petition is disposed accordingly. Rule discharge. No order as to cost.

Date ; 5-9-2000 [H.K.Rathod, J.]

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